

Testimony from Owen Smith, State President AT&T Vermont
House Bill H.110, Extending Sunset on ACT 248a
House Bill H.70, Extends 248a Sunset with proposed Changes
House Environment & Energy Committee
March 14, 2023

Chair Sheldon, Vice Chair Sibilia, members of the committee, thank you for the opportunity to be here in support of 248a. My name is Owen Smith, and I'm the state president for AT&T in Vermont. I'm testifying in support of House Bill 110 and in opposition of House Bill 70.

AT&T's ability to invest and increase the number of towers in the state by nearly 30% since 2019, is in large part due to 248a which is a very workable, efficient wireless permitting process from both a municipality and company perspective. That is why I am advocating that the Committee not only renew 248a but extend it permanently or at least extend the sunset for 10-years. Extending or repealing the sunset clause will provide AT&T and the industry, with greater certainty to plan our network investments and construct cell towers, providing Vermonters with a better wireless experience.

Over the last 5-years, AT&T has invested over \$100 million in our Vermont network. We have added 51 new cell towers and performed over 600 upgrades – upgrading antennas, emergency generators, and adding spectrum to keep up with capacity demands.

In 2017, AT&T was awarded the FirstNet contract with the federal government, to build a nationwide interoperable network for public safety. This is a 25-year contract to build, maintain, and operate this first responder network. Our commitment in Vermont was to build an initial 36 additional cell towers.

AT&T still has work to do—

- Our network will continue to expand geographically and be continuously upgraded.
- We have 12 new cell towers coming on-line in 2023.
- We still have FirstNet obligation to the federal government and the state of Vermont.
- At the same time, we have a need to densify our network in high traffic areas.

AT&T prides itself on working with municipalities- We have had meetings with the towns the majority of the time a new site is proposed. In all, we have attended well over 100 meetings with municipalities and Regional Planning Commissions to both explain our coverage needs/objectives and listen to municipalities' concerns. 248a gives

"substantial deference" to a town's recommendation based on a town ordinance, and if the town wants a public hearing, they can have one.

As a result of these meetings, AT&T has made changes to the originally proposed design for about half of our proposals (be it height, aesthetic design, location on a parcel, environmental concerns, etc.) The Company has often suspended the 248a timeline voluntarily to perform a second balloon test, conduct more environmental studies, or to work out a mutually acceptable solution with towns. In some cases, we have aborted a particular site completely because of town concerns. 248a also encourages companies to co-locate on existing towers, which AT&T and other providers do whenever feasible.

Most municipalities have neither the desire nor the expertise to review telecommunications applications, given that the PUC and Department have been doing most of the work over the past decade. In fact, the Vermont firm that does all our permitting is frequently instructed by municipal officials not to file for local telecom permits and to use ACT 248a.

The need to expand and upgrade our VT network will be continuous. Certainty is critical when it comes to planning investments and building out a network. We ask that you support H-110 and consider making 248a permanent. If permanence is not an option, please consider a 10-year extension.

With respect to House Bill 70, AT&T strongly opposes the proposed changes, many of which seem unjustified, not feasible, potentially unlawful, and would discourage future investments. A couple of examples would be:

- Change (removing "**more than 10 feet**") to 248a(b)(2)(C) means that you could not build a rooftop based facility and could not extend antennas above a tower or structure (including a utility pole). It renders small cells and rooftop co-location options impossible to permit and taking advantage of existing structures.
- Change to 248a(e)(3): Impossible to abide by the term "**all studies necessary for the application's approval**" because only when the PUC approves a project will it be clear what is ultimately required. Moreover, this appears to create new submission standards beyond what is potentially required in 248a itself, none which are defined (e.g., "site location options").

You are going to hear from Will Dodge on Wednesday. Will is with the law firm Downs Rachlin Martin and he does all the AT&T 248a applications. He is prepared to review H.70 in detail for the committee and answer any questions you might have.

For all the reason stated above, AT&T supports H.110 and opposes H.70. Thank you again for this opportunity. I would be happy to answer any questions.